

# DEPARTMENT OF SOCIAL SERVICES COUNTY OF MADERA

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NOV 24 2009

KELLY L. WOODARD, Director

*An Affirmative Action/Equal Opportunity Employer*

November 18, 2009

Ramon Lopez, Chief  
California Department of Social Services, Civil Rights Bureau  
Human Rights and Community Services Division  
744 P Street, M.S. 8-16-70  
Sacramento CA 95814

Dear Mr. Lopez:

During the Civil Rights Compliance Review of December 8, 9, 2008 and January 12, 2009 specific compliance issues were identified. The corrective action plan for each deficiency, including the steps and time lines for completion of all the recommendations are as follows:

### III. DISSEMINATION OF INFORMATION

#### Findings

1. MCDSS shall ensure that the current version of the PUB 12 is available in all languages translated by CDSS and that the available translated versions are given to the clients in their primary language. DIV 21-115.2.
2. MCDSS shall ensure the availability of large print, Braille, and auditory aids for participants in all of the programs for which CDSS has oversight responsibility. DIV 21-115.4
3. MCDSS shall ensure that the most recent versions of the "Your Rights under California Welfare Programs" (PUB 13 03/07), "Everyone is Different, but Equal Under the Law" (PUB 86 03/07) and "And Justice for All" USDA Poster (AD 475B 12/99) are prominently displayed in all waiting and reception rooms.

## **Corrective Action**

1. Attached is MCDSS Generic Procedure 03/00, revised February 17, 2005 (Attachment "A"), advising staff that translated version of the PUB 13 pamphlets for non-English/non-Spanish speaking applicants/recipients are available and are located in the reception area of all Madera County Department of Social Services locations. Staff was also advised that these versions could be brought up on-line.
2. All MCDSS offices have been inspected to ensure large print, Braille and auditory aids available.
3. All current supplies of PUB 13 pamphlets will be inspected for correct version and replaced where outdated.
4. MCDSS has posted the correct versions of the "Your Rights under California Welfare Programs" (PUB 86 03/07) and "And Justice for All" (AD 475B 12/99) prominently in all waiting areas.

## **IV. FACILITY ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES**

### **Location #1**

**41969 Highway 41, Oakhurst, CA**

### ***Findings***

#### **Parking**

1. One of the two Van-accessible freestanding signs is too low at 78".

#### **Main Entrance**

1. Force to open doors is excessive at 10 lbs.

#### **Client Lobby**

1. The lobby counter is too high at 42".

#### **Client Interview Room**

1. The room does not have the required turnaround space of 180 degrees in a 60" diameter or T-shaped space for wheelchair to turn.

#### **Drinking Fountain**

1. Drinking fountain is located in hallway shared with other tenants (Visitors Bureau). Fountain does not provide for knee space of 27" from floor.

#### **Restrooms**

1. The Men's and Women's restroom are not accessible to a disabled client. The county refers clients to the ADA compliant unisex restroom in the Yosemite Visitor's Bureau next door. This creates an undue hardship on disabled clients who have to travel outside and then into the office next door.

## **Corrective Action**

The Oakhurst facility is shared with Public Health (PH) and Workforce Development Office (WDO). MCDSS have contacted the landlord of the compliance issues listed in the Civil Rights Compliance Report. On October 21, 2009 the Civil Rights Coordinator met with the landlord of the Oakhurst office and reviewed the corrective action findings.

### **Parking**

1. The landlord ensured adjustment of the van accessible sign height of 80" minimum from bottom of sign to top of finish grade.

### **Main Entrance**

1. The landlord will have the door pressure adjusted to five pounds maximum.

### **Client Lobby**

1. The Department is reviewing available options to locate and install an appropriate ADA counter top to incorporate into the existing lobby counter to comply. Currently clients with special needs are escorted to a conference room that has an accessible table and the required turnaround space.

### **Client Interview room**

1. Planning has been initiated for the reconfiguration of the existing workstation in the client interview room to the required turnaround space of 180 degrees in a 60" diameter or T-shaped space for wheelchair to turn.

### **Drinking Fountain**

1. The drinking fountain in question is located in the Public Health side of the office building and should not be under the purview of this inspection; however, the landlord is currently researching available options for the replacement of the current drinking fountain to a drinking fountain that meets the ADA requirements and also installation per ADA requirements.

### **Restrooms**

1. During the last Civil Rights review of the Oakhurst office in November 2006 the reviewer stated that an exception was allowable as compliance would create an unreasonable hardship and that the unisex ADA compliant restroom located in the Yosemite Visitor's Bureau could be designated as the assessable restroom for their clients. CA T24 1111.B.4.6 (See attached). The department has occupied space in this building since 2001 and has not received one complaint of an undue hardship regarding the short trip to the accessible restrooms in the office next door.

The landlord of the Oakhurst office building stated that she feels the exception should continue to be granted as it would take major reconstruction of an existing older building to comply when the designated ADA compliant unisex restroom is within approximately 25 feet of the client lobby. The landlord stated that she will have installed the proper signage directing the MCDSS clients to the accessible restroom at every major entrance and every major junction indicating the direction along or to accessible features.

**Location #2 Address 125 S. 2<sup>nd</sup> Street Chowchilla, CA**

### ***Findings***

#### ***Main Entrance***

1. No International Symbol of Accessibility (ISA) designating the facility as accessible for persons with disabilities.

#### ***Client Lobby***

1. The Braille Pub 13 was not available at the reception desk.

#### ***Client Interview Room***

1. The room does not have the required turnaround space of 180 degrees in a 60" diameter or T-shaped space for wheelchair to turn.

#### ***Emergency Egress***

1. Alarm is audible but there is no visual

#### ***Unisex Restrooms***

1. Soap Dispenser is mounted too high at 49" for accessibility.

### ***Corrective Action***

#### ***Main Entrance***

1. A work order was placed on 11-18-2009 to County Maintenance Department to install the International Symbol of Accessibility (ISA) at every primary entrance.

#### ***Client Lobby***

1. The location of the Braille version of the Pub 13 has been clearly marked and staff has been trained on its location.

#### ***Client Interview Room***

1. Planning has been initiated for the reconfiguration of the existing workstation in the client interview room to the required turnaround space of 180 degrees in a 60" diameter or T-shaped space for wheelchair to turn. In the interim clients with special needs will be escorted to our small conference room where they can be served.

#### ***Emergency Egress***

1. The landlord of this facility has been notified of the required emergency warning systems that have a means of warning the hearing impaired. In the interim during an emergency all clients and staff will be evacuated to a safe location, staff assignments include determining vacancy of entire building through visual inspection.

#### ***Unisex Restroom***

1. A work order was placed 11-18-2009 to County Maintenance Department to install to add an additional accessible soap dispenser or lower the existing soap dispenser to the maximum height of 40."

### **Location #3**

**441 E. Yosemite Ave Madera, CA**

### **Findings**

#### **Parking**

1. There is no "Unauthorized Parking" signage at the entrance to the off-street accessible parking.
2. There is one designated accessible parking space. There was no "Van Accessible" space.
3. No accessible signage on wall.
4. Accessible space was too short at 17 ½'.
5. There was no access aisle next to accessible space.
6. Accessible space was far from primary entrance.
7. The words "No Parking" were not painted on pavement in access aisles.
8. Persons are forced to walk behind vehicles other than their own.

#### **Main Entrance**

1. No international symbol of accessibility (ISA) designating the facility as accessible for persons with disabilities.

#### **Door**

1. There were two sets of doors from parking lot. First door pressure is excessive at 10 lbs.
2. Second door pressure is also excessive at 20 lbs.
3. Second door closes in less than 3. Seconds.

#### **Lobby**

1. Pub 86, Poster: Everyone is Different, but Equal Under the Law was not current.

#### **Client Interview Room**

1. The room does not have the required turnaround space of 180 degrees in a 60" diameter or T-shaped space for wheelchair to turn.

#### **Men's Restroom**

1. No accessible signage on the door, and on the wall, adjacent to the latch side of the door.
2. Door pressure is excessive at 13 lbs.
3. Accessible urinal is too high at 25".
4. The pipes under the sink need to be insulated or covered.
5. Paper towel dispenser is too high at 57".
6. Accessible stall had no handle.

#### **Women's Restroom**

1. No accessible signage on the door and on the wall, adjacent to the latch side of the door.
2. Force to open door is excessive at 12 lbs.
3. Paper towel dispenser, waste receptacle and mirror base are too high at 41".

### **Corrective Action**

On October 20, 2009 the Madera County Department of Social Services informed the County Board of Supervisors of its intent to terminate the lease of the 441 E. Yosemite Ave building. The primary reason for the termination of the lease was funding; due to the state budget crises the department was left with more than 40 vacancies allowing the department to relocate staff from the 441 location to their previous office sites in the immediate vicinity; ADA compliance issues also factored into the decision to terminate the lease.

Due to the current fiscal crisis the department does not have funds available to make most of the corrections prior to leaving. However, the following have been addressed:

#### **Lobby**

1. Pub 86, Poster: Everyone is Different, but Equal Under the Law was replaced with current poster.

### **V. PROVISION FOR SERVICES TO APPLICANTS AND RECIPIENTS WHO ARE NON-ENGLISH/NON-SPANISH SPEAKING OR WHO HAVE DISABILITIES**

#### **A. Findings from Program Managers Surveys, Staff Interviews and Case File Reviews**

1. Per staff interviewed a delay of 3-4 days to a week to provide an interpreter is not adequate.
2. The Braille Pub13 was not available at the reception desk in the Chowchilla office.

#### **Bilingual Staff**

1. MCDSS shall ensure that a sufficient number of qualified bilingual employees shall be assigned to positions and locations

#### **Interpreter Services**

1. MCDSS must offer and provide free interpreter services using qualified interpreters.

### **Corrective Action**

#### **Policy for Effective Services**

1. Attached is MCDSS Generic Procedure 03/00, revised May, 2007(Attachment "A"), "Providing Services to Applicants and Recipients Who Are Non-English or Who Have Disabilities".

#### **Interpreter Services**

1. MCDSS has a system in place wherein a MAD 591 "Request for Interpreter Services" is used when interpreter services are needed for non-English/non Spanish clients. The Program Manager's Secretary arranges for the interpreter using the county interpreter list.

#### **Bilingual Staff**

1. MCDSS currently employs 64 certified bilingual Spanish speaking workers which has been adequate to accommodate the diversity in the population served by the MCDSS. In offices where bilingual staff is not located because non-English speaking persons do not represent the 5% minimum, MCDSS does provide certified bilingual services as needed.

## **Auxiliary Aids**

1. Attached is MCDSS Generic Procedure 03/00, revised May, 2007(Attachment "A"), "Providing Services to Applicants and Recipients Who Are Non-English or Who Have Disabilities". Advising staff that translated version of the PUB 13 pamphlets for non-English/non-Spanish speaking applicants/recipients are available and are located in the reception area of all Madera County Department of Social Services locations. Staff was also advised that these versions could be brought up on-line.

## **V. DOCUMENTATION OF APPLICANT/RECIPIENT CASE RECORDS**

No corrective action cited

## **VI. STAFF DEVELOPMENT AND TRAINING**

No corrective action cited

## **VII. DISCRIMINATION COMPLAINT PROCEDURES**

### **Findings**

1. Not all staff interviewed were aware of the location of the poster

### **Corrective Action**

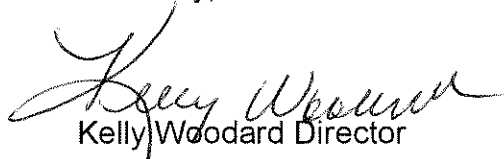
- B. MCDSS will provide continual training on Division 21, and on the location of Civil Rights Coordinator contact information.

## **CONCLUSION**

Madera County Department of Social Services is in the process of remedying the violations identified in the Civil Service Compliance Report. A good portion of the violations have been corrected. County Maintenance has assured us that all work orders submitted will be completed on or before 11-30-2009. The landlords of each off site location have been notified of the violations listed in the Civil Service Compliance Review.

If further information is needed, please contact Terry Hurt at (559) 675-7841.

Sincerely,



Kelly Woodard Director

Attachments (3)

Cc: Susan Arteaga, Deputy Director  
Debbie Blankenship, Deputy Director  
Terry Hurt, Civil Rights Coordinator

"A"

Madera County Department of Social Services Procedure Generic 03/00

TO: All Staff  
DATE: July 21, 2000 (Revised May 2007)  
SUBJECT: Providing Services to Applicants And Recipients Who Are  
Non-English Speaking or Who Have Disabilities.  
REFERENCE: CFC Manual Section 21-115

The (CFC) Confidentiality, Fraud, Civil Rights and State Hearing Policy and Procedure Manual section 21-115 requires the Department to provide effective bilingual/interpretive services to serve the needs of the non-English-speaking population and individuals with disabilities without undue delays.

Counties are required to collect data on primary language and ethnic origin of applicants/recipients (identification of primary language must be done by the applicant/recipient). Using this information, a county may determine 1) the number of public contact staff necessary to provide bilingual services, 2) the manner in which they can best provide interpreter services without bilingual staff and 3) the language needs of individual applicant/recipients.

When the percentage of non-English cases in a program and/or location is more than five percent we are required to recruit and hire bi-lingual staff. When the percentage of non-English cases in a program and/or location is less than five percent (5%), counties may provide effective bilingual services through an interpreter or other means. This requirement may be met through utilization of paid interpreters, qualified bilingual employees, and qualified employees of other agencies or community resources.

Applicants or recipients may provide their own interpreter; however, the county can not require them to do so. The county is required to inform clients of the potential of ineffective communication using his or her own interpreter. Only under extenuating circumstances or at the specific request of the applicant/recipient shall we allow a minor (under the age of 18 years) to act as an interpreter. An example of such extenuating circumstances would be: Client drops in, with minor child to interpret. Use child to explain scheduling with qualified interpreter.

Counties must also provide auxiliary aids and services, including Braille material, taped text, qualified interpreters, large print materials, telecommunication devices for the deaf (TTY/TDDs), and other effective aids and services for persons with impaired hearing, speech, vision or manual skills. In addition, counties must ensure that written material be available in an individual's primary language when the forms and materials are provided by CDSS, and that information that is to be inserted with Notices of Action (NOA) be made available in the individual's primary language. If additional information is added to a Notice of Action (NOA), a copy is to be made and filed in the case folder.

The county must use and provide translated materials, including the PUB 13, in the client's primary language when translated by CDSS. The PUB 13 pamphlet entitled "Your Rights Under California Welfare Programs" must be distributed and explained to each applicant/recipient at intake and reinvestigation of eligibility and to each client at initial contact for the social work/case management programs.



The county shall ensure the availability of auxiliary aids and services to persons who are deaf or hearing impaired, or persons with impaired speech, vision or manual skills where necessary to afford such person an equal opportunity to access program services.

The following steps are to be taken if an interpreter is needed:

Step	Person Responsible	Action
1	Employee	<p>At initial contact a MAD-519 (Primary Language Designation and Request for Language Services) is completed by the client. Employee (Social Worker, EW, ETW) discovers that they have a need for an interpreter. This includes American Sign Language (ASL) or other request for auxiliary aids and services. The employee is required to document in case narrative the client's disability and the method of bilingual services or accommodation provided.</p> <p>Once a need for bilingual services or other request for auxiliary aids and services is made known to the Agency, the employee must continue to document the method used to communicate with their client both for intake and continuing contacts e.g.,</p> <ul style="list-style-type: none"> <li>- assigned worker is bilingual.</li> <li>- other bilingual employee acted as interpreter.</li> <li>- volunteer interpreter was used, or client provided interpreter. (*Disclaimer noted)</li> </ul> <ul style="list-style-type: none"> <li>- Telecommunication devices for the deaf (TDD/TTY) used.</li> <li>- Braille material used.</li> <li>- Taped Text used.</li> <li>- Qualified interpreter used (MAD-591 attached).</li> <li>- Large print materials used.</li> <li>- American Sign Language Interpreter</li> </ul> <p>*If the client uses their own interpreter it will be incumbent on the employee to advise the client that their own interpreter can be used, but the communication between the employee and the client may not be as effective if a qualified interpreter was being used. When applicants/recipients provide their own interpreter, the employee will have the client read and sign the MAD 580 and give a copy to the applicant/recipient and file the original in the case file under the first flap on the left hand side. The employee will narrate in case comments that a MAD 580 was provided to the applicant/recipient and name the individual who interpreted on behalf of the client as noted on the MAD 580.</p>

Step 2	Employee	<p><u>To request Interpreter Services.</u> Complete request form (MAD-591) specifying:</p> <ul style="list-style-type: none"> <li>• Client name</li> <li>• Language or Auxiliary Aid requested</li> <li>• Length of time needed</li> <li>• Days available (if immediate need)</li> <li>• Specify if follow up appointment is needed</li> <li>• Location (home call or DSS)</li> </ul> <p>As interpreter resources are limited flexibility is needed. The normal process is to take the next available appointment time the interpreter has. If there is a special need make certain you list under other.</p> <p>↑ Forward to your Supervisor for approval</p>
3	Supervisor	Upon approval forward or fax to PM Secretary Candy Pearson.
4	PM Secretary	<p>Secretary will contact interpreter using resource guide to secure time and date.</p> <ul style="list-style-type: none"> <li>• Contact requesting party notifying them of time and date.</li> <li>• Notify interpreter of billing arrangements.</li> <li>• Complete response section of the form and forward to the requesting party's supervisor.</li> <li>• Forward a copy of the request form to Staff Services Manager (Marilyn Cheatham) to alert her of pending payment.</li> <li>• Retain a copy of the request form.</li> </ul>

## Interpreter Service Request Form

TO: Candy Pearson, PM Secretary

FROM:      Date:

Client's Name:

Language Requested:

(Specify need; for example - Punjabi, Vietnamese, Arabic, Sign Language, Braille Material, Taped Text, Large Print Materials, Telecommunication Devices for the Deaf (TTY/TDDs), or other aids and services for hearing, speech, vision or manual skills.

Length of Time Needed:

(Be specific - RV 1 hour, home visit assessment 2 hours)

Date/Time available:

(Complete if immediate need)

Are follow up appointments needed: Yes   No      If so, how many?

Location for service

(Address of client, DSS 720, DSS 629, DSS OneStop, etc)

Special request or instructions:

Supervisor Signature:      Date

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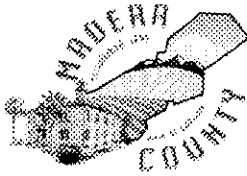
TO:

FROM: Candy Pearson

Date & Time of Appointment

Interpreter's name:

Instructions:



## **MADERA COUNTY DEPARTMENT OF SOCIAL SERVICES**

HUBERT (HUB) WALSH, Director

- P.O. BOX 569
- MADERA, CA 93639
- (559) 675-7841
- FAX (559) 675-7603

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### **Notice of Understanding Use of a Self-Provided Interpreter**

I, \_\_\_\_\_, residing at  
\_\_\_\_\_, hereby authorize

\_\_\_\_\_ to act as my interpreter when I am transacting business with Madera County Department of Social Services.

- I understand that Madera County Department of Social Services will provide an interpreter to me free of charge.
- I understand that the interpreter provided by Madera County Department of Social Services meets federal requirements for competency and confidentiality.
- If I choose not to use the interpreter provided by Madera County Department of Social Services, I understand that during the course of my interactions with Madera County Department of Social Services the interpreter that I choose may become aware of information that I consider private or confidential.
- I understand that I use a self-provided interpreter at my own risk.
- I understand that Madera County Department of Social Services does not assume responsibility for, nor does it regulate or control what use a self-provided interpreter may make of the information divulged during the interpretation process.
- I understand that the County retains the right to solely provide a designated interpreter in the case of an investigation of fraud or child, elderly or incapacitated adult abuse.
- I understand that the County may utilize its own interpreter to ensure that the applicant/recipient/inquirer is receiving complete information and adequate interpretation of information provided by the County.

I certify that I have read or have had read to me and understand the above prior to signing.

\_\_\_\_\_  
Signature of Applicant/Recipient/Inquirer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Spouse

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

# DSA — 2009 CALIFORNIA ACCESS COMPLIANCE REFERENCE MANUAL

## SECTION 1115B BATHING AND TOILET FACILITIES (SANITARY FACILITIES)

**1115B.1 General.** Bathing and toilet facilities that serve buildings, facilities or portions of buildings or facilities that are required by these standards to be accessible to persons with disabilities, shall be on an accessible route and shall conform to the following requirements.

The accessible fixtures and controls required in this section shall be on an accessible route. An unobstructed turning space complying with Section 1115B.3.1, Item 1 or 1115B.3.2, Item 1, as applicable, shall be provided within an accessible toilet facility. The clear floor spaces at fixtures and controls, the accessible route, and the turning space may overlap.

See Section 1111B.4.6 and Chapter 11A for bathrooms in residential occupancies.

**Exception:** In existing buildings or facilities, when the enforcing agency determines that compliance with any building standard under this section would create an unreasonable hardship, an exception to such standard may be granted when equivalent facilitation is provided. When equivalent facilitation is used, the following criteria shall apply:

1. All sanitary facilities are not required to comply with these building standards when the enforcing agency determines that sanitary facilities are accessible to and usable by persons with disabilities within a reasonable distance of accessible areas.
2. When existing sanitary facilities are not being altered to provide accessibility, signage complying with Sections 1117B.5.1, Items 2 and 3, and 1117B.5.8.1 shall be provided at such inaccessible facilities indicating the location of the nearest accessible sanitary facility.

**1115B.1.1 Separate and unisex facilities.** Where separate facilities are provided for persons of each sex, these facilities shall be accessible to persons with disabilities. Where unisex facilities are provided, these facilities shall be accessible to persons with disabilities.

**1115B.1.2 Where used by children.** Where facilities are to be used solely by small children, the specific heights and clearances may be adjusted to meet their accessibility needs. See Table 1115B-1 for suggested mounting heights and clearances.

**1115B.2 Bathing and shower facilities.** Where facilities for bathing are provided for the public, clients or employees, including showers or bathtubs, at least one shower or bathtub and support facilities such as lockers, and not less than 1 percent of all facilities, shall be accessible and conform to the following standards:

1. **Shower areas.** Showers in all occupancies shall be finished as specified in Section 1115B.3.1 item 6 to a height of not less than 70 inches (1778 mm) above the drain inlet. Materials other than structural elements used in such walls shall be of a type which is not adversely affected by moisture.
2. **Doors and panels.** Doors and panels of shower and bathtub enclosures shall be substantially constructed from approved, shatter-resistant materials. Hinged shower doors shall open outward.
3. **Glazing for shower and bathtub enclosures.** Glazing used in doors and panels of shower and bathtub enclosures shall be fully tempered, laminated safety glass or approved plastic. When glass is used, it shall have minimum thickness of not less than 1/8 inch (3.2 mm) when fully tempered, or 1/4 inch (6.4 mm) when laminated, and shall pass the test requirements of Section 2406.
4. **Plastics.** Plastics used in doors and panels of showers and bathtub enclosures shall be of a shatter-resistant type.